



10/608,873

12423-3

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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|--|---|--------------------------|
| In re Application of: |) | Group Art Unit: 1645 |
| |) | |
| FLETCHER, Hansel M. |) | Examiner: S. Devi, Ph.D. |
| |) | |
| Serial No.: 10/608,873 |) | Confirmation No. 7854 |
| |) | |
| Filed: June 27, 2003 |) | |
| |) | |
| For: A Method of Decreasing the Growth |) | |
| Rate of Wild-Type <i>Porphyromonas</i> |) | Pasadena, California |
| <i>Gingivalis</i> |) | |

TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING REJECTION
OVER A PRIOR PATENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

The Petitioner, LOMA LINDA UNIVERSITY, is the owner of 100 percent interest in the United States Patent Application 10/608,873 and United States Patent Application 09/133,089, now United States Patent US 6,254,863 B1. The assignment from the named inventor of both United States Patent Applications 10/608,873 and 09/133,089 was recorded in the Patent and Trademark Office at Reel/Frame 9399/0634 on August 12, 1998. The Petitioner hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173 as shortened by any terminal disclaimer of prior United States Patent Application No. 09/762,618, filed February 9, 2001, now Patent No. US 6,585,977 B1. The Petitioner hereby agrees that any patent so granted on

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10/608,873

12423-3

the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, petitioner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent, as shortened by any terminal disclaimer filed prior to the patent grant, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer.

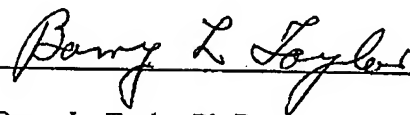
The undersigned is empowered to act on behalf of the Petitioner.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Submitted by,

Date: 12-7-04

Signature: _____



Barry L. Taylor Ph.D.
Vice President for Research Affairs
LOMA LINDA UNIVERSITY

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